

The opinion in support of the decision being entered today
was **not** written for publication and
is **not** binding precedent of the Board.

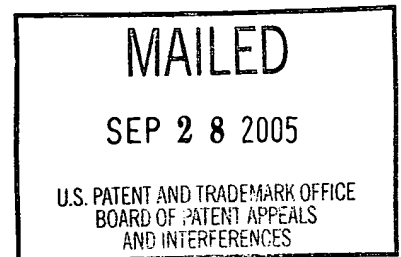
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Mohammad Faisal

Appeal No. 2005-2345
Application No. 09/742,809

ON BRIEF



Before BARRETT, DIXON, and NAPPI, **Administrative Patent Judges.**

NAPPI, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1 through 15. For the reasons stated *infra* we will not sustain the examiner's rejection of claims 1 through 15.

THE INVENTION

The invention relates to a system to generate cross-references in a knowledge base used for an information retrieval system. See page 3 of appellant's specification.

Claim 1 is representative of the invention and is reproduced below:

1. A method for generating cross-references among categories in a knowledge base, said method comprising the steps of:

extracting, from a plurality of documents, a plurality of themes, wherein a theme identifies subject matter contained in a corresponding document;

generating a theme strength for said themes, said theme strength reflects the amount of subject matter contained in a document for a corresponding theme relative to other themes in said document;

generating a plurality of scores, from said theme strengths, to identify a relative theme pair strength for at least one pair of said themes extracted from said documents;

selecting theme pairs based on said scores;

selecting category pairs in said knowledge base by mapping said themes of said theme pairs selected to corresponding categories of said knowledge base; and

generating a cross reference in said knowledge base between categories of said category pairs, wherein said cross reference identifies an association between said category pairs.

THE REFERENCE

The reference relied upon by the examiner is:

Wical

5,930,788

July 27, 1999

THE REJECTIONS AT ISSUE

Claim 1 through 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Wical. Throughout the opinion we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken

into consideration, in reaching our decision, appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejection and the arguments of appellant and the examiner, for the reasons stated *infra* we will not sustain the examiner's rejection of claims 1 through 15 under 35 U.S.C. § 102.

Appellant argues on page 7 of the brief, that Wical does not disclose generating relative theme pair strengths as required in claim 1. Appellant asserts on pages 7 and 8 of the brief:

The Examiner asserts that this element is taught in Col. 9, lines 14-48 of the '788 Patent. In Col. 9, lines 14-48, the '788 Patent teaches using theme weights in the disambiguation process. Particularly, the disambiguation process compares the theme weights of two terms to select a category. Thus, the theme weight disclosed in the '788 Patent only ascribes a weight to a single theme term. In contrast, the claimed invention assigns a score to a *pair* of themes. As claimed, the "scores" identify a "relative theme pair strength", and therefore the '788 Patent's teaching of ascribing a weight to a single theme term does not anticipate.

In response, the examiner states, on pages 13 and 14 of the answer:

[E]xaminer maintains that Wical teaches 10 [sic] column 14, lines 24-40 assigning each theme term, including words and phrases, a relative strength then linking each theme term to another by categories in the knowledge base. The theme term indicating more than one theme can include a theme pair or a theme concept or linked theme, and then collective theme strength can be calculated. In column 9, lines 62-67, and column 10, lines 1-17, Wical teaches the disambiguation process sums the theme weights of document themes for comparison against a theme weight for another document theme that is also the theme concept for the first themes, indicating to [t]he Examiner that relative theme pair strengths for a pair of themes is being generated.

We disagree with the examiner. Independent claim 1 includes the limitations “generating a plurality of scores, from said theme strengths, to identify a relative theme pair strength for at least one pair of said themes extracted from said documents; selecting theme pairs based on said scores; selecting category pairs in said knowledge base by mapping said themes of said theme pairs selected to corresponding categories of said knowledge base”.¹ Thus, claim 1 requires that there be scores for theme pairs, that some theme pairs are selected based upon the scores and used to select category pairs. Independent claims 6 and 11 contain similar limitations.

We find that Wical teaches extracting themes from documents and generating strengths. From these themes Wical teaches generating a Theme Concept and Parent Theme Concept from the theme. See column 7, lines 21 through 45. The Disambiguation process generates pairs of Theme Concepts and Parent Theme Concepts for comparison with Theme Concept pairs in the category cross reference database. See column 11, lines 21 through 48. Based upon the disambiguation process, the themes for the document are verified. See column 11, lines 49 to 57. We do not however, find that the pairs of Theme Concepts or Parent Theme Concepts, which equate to appellant’s claimed category, are selected based upon theme pairs, which are selected, based upon a score. Contrary to the examiner’s assertion on page 14 of the answer we do

¹ We consider claim 1 to be drawn to a method performed by a computer, as appellant’s specification identifies that a knowledge base is computer implemented.

not find that column 9, lines 63-67 of Wical teaches that the pairs are selected based upon the sum of the weights. Rather, we find that Wical, in column 9, lines 63-67, teaches another disambiguation test for verifying themes, where the theme strengths of the themes are added and compared to the parent theme strength, to verify the themes. As we find that Wical does not teach all of the limitations claimed in independent claims 1, 6 and 11, we will not sustain the examiner's rejection of claims 1 through 15 under 35 U.S.C. § 102.

In summary, we will not sustain the examiner's rejection of claims 1 through 15.

REVERSED


LEE E. BARRETT
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge


ROBERT E. NAPPI
Administrative Patent Judge

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